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10/532,146	04/20/2005	Takumi Ikeda	MAT-8688US	6489
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,146

Applicant(s)

IKEDA, TAKUMI

Examiner

Charles Chow

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 7-10, 12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 5, 6, 11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 7-10, 12, 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 11/28/2007
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This office action is for the RCE received on 11/30/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 12, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson [US 2003/0197,594 A1] in view of Baker et al. [US 2006/0217,143 A1].

For claim 4, Olson teaches an information transmitting apparatus [the wireless control system 12 transmits control signal based on the distance, abstract, Fig. 2 & its corresponding description in the specification] comprising

an information storage part for storing information [the memory stored with control data message configured to wirelessly control a plurality of home electronic systems, paragraph 0009],

which includes an authentication identifier which identifies the information transmitting apparatus [the transmitted control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; further the wireless controlling system 12, in Fig. 2, is for security gate control system, home security system, garage door opener, paragraph 0024. It is obvious that the wireless control 12 has the authentication identifier for identifying itself as the information transmitting apparatus, for the security purpose],

a sensing part for sensing a speed of the information transmitting apparatus [the distance sensor 52 measures the velocity of vehicle 10, last 9 lines of paragraph 0027; the

transmitter of transceiver 54 of system 12 & the distance sensor 52 are mounted on the vehicle, paragraph 0023, 0027, as the detecting of the velocity of the transmitter mounted on vehicle 10],

an information transmission part for changing a characteristic of a signal that affects the distance the information is transmitted based on the speed [the transmitter in vehicle 10 transmits control signal based on the distance proximity between vehicle system 12 & home system 18, paragraph 0030; changing the control data for different home system 18 based on the distance, paragraph 0035], and

for transmitting the information which includes the authentication identifier [the transmitting control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; for security gate control system, home security system, garage door opener, paragraph 0024].

Olson fails to teach a controller for selecting a predetermined power according to each of a plurality of ranks of the speed; wherein the information transmission part transmits the stored information according to the selected predetermined power.

Baker et al. [Baker] teaches the a controller [microcontroller 112, power control means 118] for selecting a predetermined power according to each of a plurality of ranks of the speed [microcontroller 112/PC means 118 for selecting the transmitting power, paragraph 0020; according to the speed range in each rank, from less than 2, 2-30, 30-80, above 80 Km/h, in paragraph 0040],

wherein the information transmission part transmits the stored information according to the selected predetermined power [the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h, Fig. 1, paragraph 0020-0021, 0032,

0040-0041], to maintain the signal to interference ratio SIR of the uplink signal [paragraph 0021]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson with Baker's selecting transmitting power based on the speed of the mobile station, such that the SIR could be maintained for uplink communication.

For claim 12, Olson teaches a computer readable medium, including a program for causing a computer to execute the steps of [the software subroutine in paragraph 0039, 0050, memory has the program for control the operation in paragraph 0025; the subroutine for calculating the distance in step 230 in Fig. 7-8];

Storing information [the storing of the control data message into memory for wirelessly control a plurality of home electronic systems, paragraph 0009],

which includes an authentication identifier which identifies the information transmitting apparatus [the transmitted control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; further the wireless controlling system 12, in Fig. 2, is for security gate control system, home security system, garage door opener, paragraph 0024. It is obvious that the wireless control 12 has the authentication identifier for identifying itself as the information transmitting apparatus, for the security purpose],

sensing a speed of the information transmitting apparatus [the distance sensor 52 measures the velocity of vehicle 10, last 9 lines of paragraph 0027; the transmitter of transceiver 54 of system 12 & the distance sensor 52 are mounted on the vehicle, paragraph 0023, 0027, as the detecting of the velocity of the transmitter mounted on vehicle 10],

transmitting (1) information for changing a characteristic of a signal that affects the distance the information is transmitted based on the speed [the transmitter in vehicle 10 transmits control signal based on the distance proximity between vehicle system 12 & home system 18, paragraph 0030; changing the control data for different home system 18 based on the distance, paragraph 0035], and

(2) the stored information which includes the authentication identifier [the transmitting control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; for security gate control system, home security system, garage door opener, paragraph 0024].

Olson fails to teach the selecting a predetermined power according to each of a plurality of ranks of the speed; wherein the stored information is transmitted according to the selected predetermined power.

Baker teaches the selecting a predetermined power according to each of a plurality of ranks of the speed [microcontroller 112/PC means 118 for selecting the transmitting power, paragraph 0020; according to the speed range in each rank, from less than 2, 2-30, 30-80, above 80 Km/h, in paragraph 0040],

wherein the stored information is transmitted according to the selected predetermined power [the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h, Fig. 1, paragraph 0020-0021, 0032, 0040-0041], to maintain the signal to interference ratio SIR of the uplink signal [paragraph 0021]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson with Baker's selecting transmitting power based on the speed of the mobile station, such that the SIR could be maintained for uplink communication.

For claims 14, 15, Olson teaches the computer readable medium [paragraph 0039, 0050, 0025, Fig. 7-11], but fails to teaches the step of transmitting includes a step of changing the characteristic of the signal that affects the distance of the information is transmitted based on the speed before transmitting the information.

Baker teaches the step of transmitting includes a step of changing the characteristic of the signal that affects the distance of the information is transmitted based on the speed before transmitting the information [the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h, which affect the distance for transmitting of the information, Fig. 1, paragraph 0020-0021, 0032, 0040-0041], in order to maintain the SIR for the uplink communication, as the rationale to combine Baker to Olson.

For claim 16, Olson teaches an information transmitting apparatus [the wireless control system 12 transmits control signal based on the distance, abstract, Fig. 2 & its corresponding description in the specification], the range corresponding to a respective distance the information is transmitted [the transmitter in vehicle 10 transmits control signal based on the distance proximity between vehicle system 12 & home system 18, paragraph 0030, 0035 & distance range 20, 30, 10 in Fig 5 & its corresponding description in the specification], but fails to teach the information transmission part divides the speed into a plurality of ranks, to transmit the stored information.

Baker teaches the wherein the information transmission part divides the speed or the acceleration into a plurality of ranks and transmits the stored information by a predetermined power according to each one of the ranks, at least one rank of the plurality of ranks including a range of speeds or accelerations of the information transmitting apparatus

[the information transmitting part of the MS 110 divides the speed range into ranks, from less 2, 2-30, 30-80, above 80 Km/h, to transmit the stored information with different transmit power level according to the speed range in each rank, Fig. 1, paragraph 0020-0021, 0032, 0040-0041], in order to maintain the SIR for the uplink communication, as the rationale to combine Baker to Olson.

3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Baker and Fitzgibbon et al. [US 2003/0210,131 A1].

For claim 7, Olson teaches an operation apparatus [home electronic device 18 in Fig. 2] comprising

(a) an information reception part [antenna 28 of home electronic system 18] for receiving information from an information transmitting apparatus [18 receives control data from 54 of 12, paragraph 0028],

the information including an authentication identifier which identifies the information transmitting apparatus [the transmitted control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; further the wireless controlling system 12, in Fig. 2, is for security gate control system, home security system, garage door opener, paragraph 0024. It is obvious that the wireless control 12 has the authentication identifier for identifying itself as the information transmitting apparatus, for the security purpose],

the information transmitting apparatus comprising an information storage part for storing information which includes the authentication identifier [the memory stored with control data configured for different the wireless home electronic systems, paragraph 0009; the control

data is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, for identifying 12 due to security],

a sensing part for sensing a speed of the information transmitting apparatus

[the distance sensor 52 measures the velocity of vehicle 10, last 9 lines of paragraph 0027; the transmitter of transceiver 54 of system 12 & the distance sensor 52 are mounted on the vehicle, paragraph 0023, 0027, as the detecting of the velocity of the transmitter mounted on vehicle 10],

an information transmission part for changing a characteristic of a signal that affects the distance the information is transmitted based on the speed [the transmitter in vehicle 10 transmits control signal based on the distance proximity between vehicle system 12 & home system 18, paragraph 0030; changing the control data for different home system 18 based on the distance, paragraph 0035], and

for transmitting the information which includes the authentication identifier [the transmitting control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; for security gate control system, home security system, garage door opener, paragraph 0024].

Olson fails to teach a controller for selecting a predetermined power according to each of a plurality of ranks of the speed; wherein the information transmission part transmits the stored information according to the selected predetermined power.

Baker teaches the a controller [microcontroller 112, power control means 118] for selecting a predetermined power according to each of a plurality of ranks of the speed [microcontroller 112/PC means 118 for selecting the transmitting power, paragraph 0020; according to the speed range in each rank, from less than 2, 2-30, 30-80, above 80 Km/h, in paragraph 0040],

wherein the information transmission part transmits the stored information according to the selected predetermined power [the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h, Fig. 1, paragraph 0020-0021, 0032, 0040-0041], to maintain the signal to interference ratio SIR of the uplink signal [paragraph 0021]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson with Baker's selecting transmitting power based on the speed of the mobile station, such that the SIR could be maintained for uplink communication.

Olson teaches the transmitted information has the authentication identifier in above [the control data comprising fixed code or rolling code or other cryptographically encoded control code from 12 to 18, paragraph 0028], but Olson, Baker fail to teach the authentication part; and an operation part for carrying out a predetermined action when the authentication part issues a permission of authentication.

Fitzgibbon et al. [Fitzgibbon] teaches (b) an authentication part [150] for carrying out authentication based on the received information [control circuit 150 authenticates users, paragraph 0041-0042, receiver 146 in paragraph 0040]; and

(c) an operation part for carrying out a predetermined action when the authentication part issues a permission of authentication [open, close, the garage door, paragraph 0042], to verify the authorized user for using the door control system. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson, Baker with Fitzgibbon's authenticating user, to verify the authorized user for using the door control system.

For claim 8, Olson teaches the operation apparatus [wireless control system in Fig. 2], wherein the apparatus is an automatic door and the operation part opens the door [Whisper Drive garage door opener, paragraph 0024].

For claim 9, Olson teaches an information processing system [wireless control system in Fig. 2] comprising

an information transmitting apparatus [12, 54] including an information storage part for storing information including an authentication identifier which identifies the information transmitting apparatus [the memory stored with control data configured for different the wireless home electronic systems, for identifying 12, paragraph 0009; the control data is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, for identifying 12 due to security],

a sensing part for sensing a speed of the information transmitting apparatus [the distance sensor 52 measures the velocity of vehicle 10, last 9 lines of paragraph 0027; the transmitter of transceiver 54 of system 12 & the distance sensor 52 are mounted on the vehicle, paragraph 0023, 0027, as the detecting of the velocity of the transmitter mounted on vehicle 10],

an information transmission part for changing a characteristic of a signal that affects the distance the information is transmitted based on the speed [the transmitter in vehicle 10 transmits control signal based on the distance proximity between vehicle system 12 & home system 18, paragraph 0030; changing the control data for different home system 18 based on the distance, paragraph 0035], and

for transmitting the information which includes the authentication identifier [the transmitting control data from 12 is a fixed code, rolling code or other cryptographically

encoded control code in paragraph 0028, as the authentication identifier; for security gate control system, home security system, garage door opener, paragraph 0024],

an operation apparatus [home electronic device 18 in Fig. 2] including an information reception part [antenna 28 of home electronic system 18] for receiving information [18 receives control data from 54 of 12, paragraph 0028], which includes the authentication identifier from the information transmitting apparatus [the transmitted control data from 12 is a fixed code, rolling code or other cryptographically encoded control code in paragraph 0028, as the authentication identifier; further the wireless controlling system 12, Fig. 2, is for the security gate control system, door opener, paragraph 0024. It is obvious that the wireless control 12 has the authentication identifier for identifying itself as the information transmitting apparatus, for the security purpose].

Olson fails to teach a controller for selecting a predetermined power according to each of a plurality of ranks of the speed; wherein the information transmission part transmits the stored information according to the selected predetermined power.

Baker teaches the a controller [microcontroller 112, power control means 118] for selecting a predetermined power according to each of a plurality of ranks of the speed [microcontroller 112/PC means 118 for selecting the transmitting power, paragraph 0020; according to the speed range in each rank, from less than 2, 2-30, 30-80, above 80 Km/h, in paragraph 0040],

wherein the information transmission part transmits the stored information according to the selected predetermined power [the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h, Fig. 1, paragraph 0020-0021, 0032, 0040-0041], to maintain the signal to interference ratio SIR of the uplink signal [paragraph

0021]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson with Baker's selecting transmitting power based on the speed of the mobile station, such that the SIR could be maintained for uplink communication.

Olson teaches the transmitted information has the authentication identifier in above [the control data comprising fixed code or rolling code or other cryptographically encoded control code from 12 to 18, paragraph 0028], but Olson, Baker fail to teach the authentication part; and an operation part for carrying out a predetermined action when the authentication part issues a permission of authentication.

Fitzgibbon et al. [Fitzgibbon] teaches (b) an authentication part [150] for carrying out authentication based on the received information [control circuit 150 authenticates users, paragraph 0041-0042, receiver 146 in paragraph 0040]; and

an operation part for carrying out a predetermined action when the authentication part issues a permission of authentication [open, close, the garage door, paragraph 0042], to verify the authorized user for using the door control system. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson, Baker with Fitzgibbon's authenticating user, to verify the authorized user for using the door control system.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Baker, Fitzgibbon, as applied to claim 9 above, and further in view of Westerlage [US 5,970,481] and Strierner [US 2003/0195,814 A1].

For claim 10, Olson teaches the information processing system [Fig. 2], wherein the effect of movement is at least one effect of movement selected from the group

[the compare/identify, select, the heading, distance in Fig. 5 & the selecting proximity for transmitting in paragraph 0034-0038] consisting of a moving speed [the detected different vehicle velocity for distance, paragraph 0027], a traveling distance [calculate the traveled distance, 0027], and

a traveling route of the information transmitting apparatus [paragraph 0033], wherein the sensing part [52 & subroutine, step 230, Fig. 7-8] senses the effect of movement [52 detecting the speed in paragraph 0027; the sensing heading & distance, paragraph 0036, in Fig. 5, paragraph 0034].

Olson teaches the detecting of the vehicle speed [paragraph 0027]. Olson, Baker, Fitzgibbon fail to teach the moving acceleration.

Westerlage teaches the moving acceleration [detecting the acceleration of mobile 22 in vehicle 20 for current position information in col. 4, lines 21-31 & transmitting vehicle information, traveled distance, to remote location, col. 4, lines 44-67; 22, Fig. 5-6], for determining of the mobile vehicle current position. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Olson, Baker, Fitzgibbon with Westerlage's acceleration information, in order to determine the mobile vehicle current position.

Olson, Baker, Fitzgibbon & Westerlage fail to teach the information transmission part is a communication means in accordance with a Bluetooth standard.

Strierner teaches the information transmission part is a communication means in accordance with a Bluetooth standard [the transmitter of the UPS vehicle using Bluetooth standard for communicating with a wireless device inside customer house for confirming of the product delivery, when in range of physical location of customer, confirming customized delivery [paragraph 0045-0046]; confirming required action according to received message [

paragraph 0042; controlling the print action by mobile phone when printer is in range in paragraph 0023]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to Olson, Siegel, Fitzgibbon, Westeriage with Striemer's transmitter using Bluetooth standard, in order to confirm the required action according to the received message.

Response to Arguments

7. Applicant's arguments with respect to claims 4, 7-10, 12, 14-16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the argument for the no teachings for: a sensing part for sensing an effect of movement of the information transmitting apparatus; a controller for selecting a predetermined power according to each of a plurality of ranks of the speed; the wherein the information transmission part transmits the stored information according to the selected predetermined power.

Olson teaches a sensing part for sensing an effect of movement of the information transmitting apparatus [the distance sensor 52 measures the velocity of vehicle 10, last 9 lines of paragraph 0027; the transmitter of transceiver 54 of system 12 & the distance sensor 52 are mounted on the vehicle, paragraph 0023, 0027, as the 52 to detect the velocity of the transmitter mounted on vehicle 10].

Baker et al. [US 2006/0217,143 A1] teaches a controller [microcontroller 112, power control means 118] for selecting a predetermined power according to each of a plurality of ranks of the speed [microcontroller 112/PC means 118 for selecting the transmitting power, paragraph 0020; according to the speed range in each rank, from less than 2, 2-30, 30-80, above 80 Km/h, in paragraph 0040],


wherein the information transmission part transmits the stored information according to the selected predetermined power [the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h, Fig. 1, paragraph 0020-0021, 0032, 0040-0041].

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *CC*

December 28, 2007.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600